

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

In Re:
CHRISTOPHER WAYNE NEWLUN,
AMI MICHELE NEWLUN,
Debtors.

Case No. 20-01436-RLM-13

DEBTOR'S OBJECTION TO
CLAIM NO. 8
AND NOTICE OF RESPONSE DEADLINE

Debtors, by counsel, object to Claim No. 8 held by filed by U.S. Bank National Association, not in its individual capacity but solely as trustee for RMTP Trust, Series 2021 Cottage-TT-V ("Creditor"):

1. On April 23, 2020, RoundPoint Mortgage Servicing filed Claim No. 8 (the "Claim"). On December 17, 2020, RoundPoint Mortgage Servicing transferred the Claim to Freedom Mortgage Company. On July 26, 2022, Freedom Mortgage Company transferred the Claim to U.S. Bank National Association, not in its individual capacity but solely as trustee for RMTP Trust, Series 2021 Cottage-TT-V.
2. Per the *Transfer of Claim Other Than for Security* filed by Creditor on July 26, 2022 [Doc. No. 76], the Claim is serviced by, and all notices to Creditor should be directed to, Rushmore Loan Management Services, P.O. Box 55004, Irvine, CA 92619-2708 on behalf of Creditor. No address is provided for Creditor itself. *See* Doc. No. 76.
3. On November 18, 2022, Debtors sought and obtained an order authorizing Debtors to incur new secured financing with the Indiana Housing and Community Development Authority ("IHCDA") in the amount of \$33,955.86. *See* Doc. No. 88.
4. Following entry of the November 18, 2022, Order [Doc. No. 88], the IHCDA caused to be issued to Creditor a check in the amount of \$33,955.86 to be applied towards Debtors' pre-petition mortgage arrears and six months of post-petition mortgage payments.
5. To date, Creditor has not appeared by counsel in this matter, nor has it filed an amended proof of claim reflecting application of the \$33,955.86 to Debtors' mortgage account.
6. Debtors object to Claim No. 8 as it fails to reflect Debtors' cure of the pre-petition mortgage arrears via the IHCDA financing.

7. Creditor's failure to file an amended claim is currently preventing the modification of Debtors' plan post-confirmation.
8. Debtors request Creditor be ordered to file an amended claim within 30 days.

PLEASE TAKE NOTICE THAT any response must be filed with the Bankruptcy Clerk within **30 days** of the date of this notice [or such other time period as may be permitted by Fed.R.Bankr.P. 9006(f)]. Those not required or not permitted to file electronically must deliver any response by U.S. Mail, courier, overnight/express mail, or in person at:

116 U.S. Courthouse
46 East Ohio St.
Indianapolis, IN 46204

The responding party must ensure delivery of the response to the party filing the objection. **If a response is NOT timely filed, the requested relief will be granted.** If a response is filed, a hearing will be set at a later date, and all parties will receive a notice of that hearing.

WHEREFORE, Debtors, by counsel, respectfully requests the Court order Claim No. 8 be amended within 30 days of the Court's order, and for all other relief deemed just and proper in the premises.

Respectfully submitted,

/s/ Matthew M. Cree
Law Office of Matthew M. Cree, LLC
PO Box 7805
Greenwood, IN 46142
T. 317.883.7350 | F. 317.942.0941
Email: matt@creelawoffice.com
Attorney for Debtors

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2023, the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

Chapter 13 Trustee, AnnDelaney341@trustee13.com
U.S. Trustee, ustpregion10.in.ecf@usdoj.gov
Barry T. Barnes, bbarnes@feiwellhannoy.com
David M. Johnson, bankruptcy@doylefoutty.com
Jessica S. Owens, bankruptcy@doylefoutty.com
Dennis M. Ostrowski, reimer.ecf@reimerlaw.com

Christopher and Ami Newlun
7152 Moultrie Drive
Indianapolis, IN 46217-5408

I hereby certify that on January 17, 2023, the foregoing was mailed, U.S. Mail, first class, postage prepaid and Certified Mail, return receipt requested, to Creditor at:

Rushmore Loan Management Services
P.O. Box 55004
Irvine, CA 92619-2708
Address as listed for notices in Doc. No. 76

U.S. Bank, National Association
Attn: Highest Executive Officer Found
425 Walnut St
Cincinnati, OH 45202
Corporate address via FDIC Bank Find

/s/ Matthew M. Cree
Matthew M. Cree
Law Office of Matthew M. Cree, LLC